

**THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION**

MISSION PHARMACAL COMPANY,

Plaintiff,

V.

VIRTUS PHARMACEUTICALS, LLC,

Defendant.

Civil Action No. 5:13-cv-00176-OLG

JURY TRIAL DEMANDED

MISSION PHARMACAL'S ANSWER TO DEFENDANT'S COUNTERCLAIM

Plaintiff Mission Pharmacal Company (“Mission Pharmacal”), responds to defendant Virtus Pharmaceuticals, LLC’s (“Virtus”) Counterclaim (ECF 11) as follows:

1. Mission Pharmacal is without knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 20, and therefore denies the allegations.
2. Mission Pharmacal admits the allegations of Paragraph 21.
3. Mission Pharmacal admits the allegations of Paragraph 22.
4. Mission Pharmacal admits the allegations of Paragraph 23.
5. Mission Pharmacal admits the allegations of Paragraph 24.
6. Mission Pharmacal admits the allegations of Paragraph 25.
7. Mission Pharmacal admits the allegations of Paragraph 26.
8. Mission Pharmacal admits that Virtus contends it does not infringe and has not infringed the '247 Patent, but denies that Virtus does not infringe or has not infringed the '247 Patent.
9. Mission Pharmacal denies the allegations of Paragraph 28.

RELIEF

Mission denies that Virtus is entitled to any of the relief it requests in paragraphs A-E in its Counterclaim.

Dated: April 17, 2013

By /s/ Charles B. Walker, Jr.

Charles B. Walker, Jr.

Texas Bar No. 00794808

cwalker@fulbright.com

Daniel A. Prati

Texas Bar No. 24070446

dprati@fulbright.com

FULBRIGHT & JAWORSKI L.L.P.

1301 McKinney, Suite 5100

Houston, Texas 77010

Telephone: 713.651.5151

Fax: 713.651.5246

ATTORNEYS FOR PLAINTIFF

MISSION PHARMACAL CO.

CERTIFICATE OF SERVICE

I hereby certify that on the 17th day of April, 2013, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system which will send notification of such filing to the following:

Stephen J. Wein

swein@brdwlaw.com

Joseph P. Kenny

jkenn@brdwlaw.com

BATTAGLIA, ROSS, DICUS & WEIN, P.A.

980 Tyrone Boulevard

St. Petersburg, Florida 33710

Tel: (727) 381-2300

Fax: (727) 343-4059

Counsel for Defendant

Virtus Pharmaceuticals, LLC

H. William Larson , Jr.

bill@larsonpatentlaw.com

Justin P. Miller

justin@larsonpatentlaw.com

Nathan P. Suedmeyer

nathan@larsonpatentlaw.com

LARSON & LARSON, P.A.

11199 69th Street North

Largo, Florida 33773

Tel.: (727) 546-0660

Fax: (727) 213-6922

/s/ Charles B. Walker, Jr.

Charles B. Walker, Jr.